



Montana Environmental Trust Group, LLC
Trustee of the Montana Environmental Custodial Trust
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May 17, 2012

CERTIFIED MAIL--Return Receipt Requested

Betsy Burns
RCRA Project Officer
EPA Region VIII
Montana Office
10 West 15th St., Suite 3200
Helena, MT 59626

RE: Consent Decree Civil Action No. CV 98-3-H-CCL East Helena Site
Work Performed in April 2012; Progress Report

Dear Betsy:

On May 5, 1998, ASARCO and the United States Environmental Protection Agency ("EPA") entered into a Consent Decree (the "Decree") to further the objectives of the Resource Conservation and Recovery Act ("RCRA") and the Clean Water Act ("CWA"). On December 9, 2009, the Montana Environmental Trust Group, LLC, Trustee of the Montana Environmental Custodial Trust (the "Custodial Trust") was established as part of the larger ASARCO bankruptcy settlement agreement to provide operational, remediation and revitalization activities at the Montana Sites, which include the East Helena Smelter. The United States and the State of Montana are the two designated beneficiaries of the Custodial Trust.

Pursuant to the Settlement Agreement, a motion to reopen the Decree and substitute the Custodial Trust for ASARCO was granted by the US Federal District Court in January 2010. As of the date of this report, EPA, DOJ and the Custodial Trust have finalized a First Modification to the Decree that conforms to the terms of the Settlement Agreement. The First Modification to the Decree, as approved by the parties, was filed with the Court on January 17, 2012. As with this report, future progress reports prescribed by the Decree, as so amended, will be submitted to EPA by the Custodial Trust.

Section XII of the Decree (Reporting: Corrective Action) requires submittal of certified monthly progress reports to EPA to describe the actions taken to achieve compliance with the Decree. The following describes those activities that have occurred or are related to activities that took place during April 2012. As to any actions performed by ASARCO, the Custodial Trust's predecessor-in-interest, the descriptions are based on information and belief only.

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SECTION 1. DESCRIPTION OF ACTIVITIES FOR APRIL 2012

Activity	Performing Entity	Description	Data Submittal	Problems Encounters	Percent Complete
1. Draft Phase II RFI	Hydrometrics/ GSI	No Phase II RFI activities in April 2012.	No Data Submittal	No problems encountered.	90%
2. 2012 Field Sampling and Analysis Plan (FSAP)	Hydrometrics	<ol style="list-style-type: none"> 1. EPA distributed the 2012 FSAP to MDEQ and MDOJ for review and comment. 2. The Lewis & Clark County Water Quality Protection District (WQPD) requested a copy of the 2012 FSAP as well as water quality and other sampling data for EH wells to incorporate into the WQPD's groundwater quality map for the Helena Valley. 3. The Custodial Trust provided comments to Hydrometrics on the draft 2012 FSAP, authorized Hydrometrics to implement the 2012 FSAP, and discussed changes (including QC/QA protocols, residential well sampling frequency and other issues). 4. The Custodial Trust provided the Lewis & Clark County Water Quality Protection District (WQPD) with a copy of the draft 2012 FSAP and explanation of the FSAP goals/scope, including improved delineation of the selenium plume. The Custodial Trust and WQPD explored a possible technical meeting and presentation by the WQPD to integrate EH groundwater activities with WQPD's regional groundwater analysis. 5. EH personnel and Hydrometrics installed a mechanism for disposing of monitoring well water samples into the Site stormwater collection system (at a manhole near the rodeo grounds) in order to cost effectively dispose of water samples collected as part of the 2012 FSAP. 	The Custodial Trust submitted the final 2012 Field Sampling and Analysis Plan (FSAP) to EPA for review and comment on April 10 th .	No problems encountered.	90%

Activity	Performing Entity	Description	Data Submittal	Problems Encounters	Percent Complete
3. 2012 Groundwater and Surface Water Monitoring	Hydrometrics	In connection with the UL Aquifer Test, the Custodial Trust continued daily: collection of water level data in UL, LL and PPC (upstream and downstream of smelter dam); and turbidity monitoring (upstream and downstream of smelter dam and at locations in East Helena (near the Main Street Bridge and downstream of smelter dam). Hydrometrics distributed their analysis of surface water levels (UL and Lower Lake (LL)) and groundwater response to pumping the western and eastern areas of UL. EH personnel continued UL pump tests to evaluate turbidity and drawdown impacts.	The Custodial Trust submitted the Hydrometrics' inventory and analysis of the American Chemet water supply and injection wells to EPA.	No problems encountered.	0%
4. Data Management Plan (DMP) and Quality Assurance Project Plan (QAPP)	Hydrometrics	No DMP and QAPP activities in April 2012.	No Data Submittal	No problems encountered.	85%

Activity	Performing Entity	Description	Data Submittal	Problems Encounters	Percent Complete
5. Corrective Measures Study (CMS)	Hydrometrics, Pioneer Technical Services, CH2M-Hill, Morrison-Maierle, Inc., Applied Geomorphology Inc.	<ol style="list-style-type: none"> 1. The Custodial Trust and CH2M Hill reviewed and revised multiple contract purchase orders covering CH2M Hill's 2012 design, permitting and construction planning activities for EH IMs (SPHC, ET Cover System and Source Removal). 2. The Custodial Trust and CH2M Hill continued negotiations related to a general construction contract for EH IMs, including follow-up on project-specific insurance options, terms and pricing pursuant to the Settlement Agreement requirements for \$25 million coverage. 3. The Custodial Trust and EPA reviewed CH2M Hill contracting alternatives for IM construction (owner's representative versus general construction contracting). 4. The Custodial Trust, EPA and USDOJ reviewed settlement agreement requirements for environmental contractor insurance coverage under proposed general construction contract with CH2M Hill. 5. EH personnel inspected the condition and integrity of the Upper Lake (UL) diversion structure and smelter dam as part of the ongoing UL aquifer test. 6. EPA provided preliminary comments on the 2012 Interim Measure (IM) Work Plans. 7. EPA, CH2M Hill and the Custodial Trust met to review outstanding issues and follow-up requirements for the CMS work plan, public review/comment on the 2012 IM Work Plans and development of 2013 IM Work Plans. 8. American Chemet (Chemet), Air Liquide (AL), CH2MHill and the Custodial Trust met to review the 2012 IM schedule and requirements for AL's removal and demolition of its oxygen plant and pipeline. 	Hydrometrics submitted revised plans for the next phase of the UL aquifer test including: UL depth and topographic surveys; data collection plans (surface water inflows and water quality samples); a water balance analysis of UL; comprehensive collection of water level data; pumping UL water; and supplemental groundwater sampling to assess changes in groundwater chemistry resulting from the UL aquifer test.		55%

Activity	Performing Entity	Description	Data Submittal	Problems Encounters	Percent Complete
Corrective Measures Study (CMS)	Hydrometrics, Pioneer Technical Services, CH2M-Hill, Morrison-Maierle, Inc., Applied Geomorphology Inc.	<p>9. EPA, MDOJ, MDEQ and the Custodial Trust participated in the EH weekly technical meeting.</p> <p>10. EPA, MDEQ and the Custodial Trust discussed MDEQ's progress and plans for addressing potential revisions to the MDEQ hazardous waste fees applicable to the EH Site.</p> <p>11. CH2M Hill and the Custodial Trust met with the Lewis & Clark County Conservation District to review PPC bypass and realignment plans as part of the South Plant Hydraulic Control (SPHC) interim measures.</p> <p>12. The Custodial Trust distributed the revised draft 2012 Interim Measure (IM) Work Plan to the beneficiaries and requested comments by May 4.</p> <p>13. Hydrometrics distributed the results of the Upper Lake (UL) pump test through April 12.</p> <p>14. EPA, MDEQ, CH2M Hill and the Custodial Trust continued discussions regarding the on-Site CAMU design requirements under RCRA Subtitle C or D.</p> <p>15. The Custodial Trust authorized multiple CH2M Hill purchase orders (scopes and costs) for 2012 IMs.</p> <p>16. EPA and the Custodial Trust presented 2012-2013 proposed IMs and community involvement plans to the Lewis & Clark County Board of Health.</p> <p>17. The Custodial Trust and Confluence Inc. reviewed plans for realignment of PPC.</p> <p>18. CH2M Hill and the Custodial Trust continued developing staffing plans (including levels of effort) and schedules for IMs (2012 through 2016).</p> <p>19. CH2M Hill, Hydrometrics and the Custodial Trust worked on options for locating trailers required to support IM construction.</p>		No problems encountered.	55%

Activity	Performing Entity	Description	Data Submittal	Problems Encounters	Percent Complete
Corrective Measures Study (CMS) (cont.)	Hydrometrics, Pioneer Technical Services, CH2M-Hill, Morrison-Maierle, Inc., Applied Geomorphology Inc.	<p>20. CH2M Hill continued permitting, planning and/or design activities for: natural resource permitting (for SPHC IMs); relocating utilities on the PPC bench; and the proposed on-Site CAMU (RCRA Subtitle C or D).</p> <p>21. The Custodial Trust met with Burnham to discuss the Custodial Trust's desire to continue running the UL aquifer test (and thus avoid using Wilson Ditch) and alternatives to Wilson Ditch for supplying Burnham Ranch with required irrigation water.</p> <p>22. CH2M Hill and the Custodial Trust continued developing staffing and resource plans for IMs (2012 through 2016).</p> <p>23. CH2M Hill continued IM activities, including: natural resource permitting for South Plant Hydraulic Control (SPHC) IMs, including meeting plans with FEMA (Region VIII—Denver); design and cost/schedule analyses associated with design and construction of a Subtitle C versus D CAMU (ET Cover System and Source Removal IMs); retaining Confluence, Inc. to assist with PPC realignment design/construction for SPHC IMs; and IM implementation schedule for 2012 through 2016.</p>		No problems encountered.	55%
6. Baseline Ecological Risk Assessment (BERA)	Gradient	No BERA activities in April 2012.	No Data Submittal	No problems encountered.	100%
7. Human Health Risk Assessment (HHRA)	Exponent/CH2M-Hill	No HHRA activities in April 2012.	No Data Submittal	No problems encountered.	85%
8. Consent Decree Modification	Custodial Trust/DOJ	No Consent Decree modifications occurred during the month of April	No Data Submittal	No problems encountered.	100%

Activity	Performing Entity	Description	Data Submittal	Problems Encounters	Percent Complete
9. Groundwater Technical Working Group (TWG)- Groundwater Model Work Plan	Custodial Trust/EPA/MDEQ/MDOJ/AMEC	AMEC continued work on the groundwater model in the month of April. The Custodial Trust distributed AMEC's draft groundwater modeling work plan to the EPA, MDEQ, MDOJ, Hydrometrics and CH2M Hill and requested comments. The Custodial Trust, EPA, MDEQ, MDOJ and AMEC reviewed the draft groundwater modeling scope of work. AMEC, CH2M Hill, Hydrometrics and the beneficiaries met to review the groundwater modeling work plan.	No Data Submittal	No problems encountered.	30%
10. Regulatory Compliance	Custodial Trust	1. EH personnel completed monthly and weekly inspections of health and safety systems, CAMU #1 and #2 liners, temporary liners, natural gas hoses and hazardous waste roll-offs.	No Data Submittal	No problems encountered.	On Going
11. Health and Safety	Custodial Trust	<ol style="list-style-type: none"> 1. The EH safety coordinator distributed copies of the final Master Site Health and Safety Plan (HASP) for comments from the EH team prior to submittal of the HASP to EPA. 2. The Custodial Trust purchased equipment to pump leachate from CAMU #1. EH personnel assembled the new pump and ran pump tests. 3. The Custodial Trust made plans to follow-up with East Helena Fire Department for on-Site health and safety training. 4. The Custodial Trust reviewed OSHA Hazwoper training and certification requirements for personnel from Eagle Electric performing activities in Site exclusion areas. 5. EH personnel installed "No Trespassing" signs near CAMU #1. 6. The Custodial Trust met with the East Helena Fire Department (EHFD) to review plans for flushing/testing on-Site fire hydrants and conducting a safety tour for EHFD personnel in May. 	No Data Submittal	No problems encountered.	On Going

Activity	Performing Entity	Description	Data Submittal	Problems Encountered	Percent Complete
12. Documents and Records	Custodial Trust	<ol style="list-style-type: none"> 1. EH personnel completed a draft inventory of required materials and costs for long term storage of documents, including shipping containers, pallets and loading equipment. 2. The Custodial Trust prepared a draft outline and structure for setup of an open source enterprise document management system (Alfresco). 3. The Custodial Trust issued the draft outline and structure for setup of an open source enterprise document management system (Alfresco) to CH2M Hill and SP4C for review and comment. 	No Data Submittal	No problems encountered.	On Going
13. Site Security	Custodial Trust	<ol style="list-style-type: none"> 1. The Custodial Trust met with the East Helena Fire Department (EHFD) to review Site access requirements and provide key cards and keys for use by EHFD personnel responding to a Site emergency. 	No Data Submittal	No problems encountered.	On Going
14. Water Treatment Plant	Custodial Trust	<ol style="list-style-type: none"> 1. EH personnel assisted Brenntag with delivery of ferric sulfate to the HDS water treatment plant. 2. EH personnel pumped water from all on-Site sumps and secondary containment systems, including the Thaw House, Sinter Incline and Thornock Tanks near the Ore Storage & Handling Building. 	Monthly DMR for WTP submitted on April 24 th .	No problems encountered.	On Going

Activity	Performing Entity	Description	Data Submittal	Problems Encounters	Percent Complete
15. Plant Operations	Custodial Trust	<ol style="list-style-type: none"> 1. The Custodial Trust authorized Hydrometrics to prepare an emergency response and action plan for smelter dam. 2. In response to a request from EPA, the Custodial Trust made arrangements to receive soils from the City of East Helena's stormwater improvement project at the East Fields soil repository. 3. The Custodial Trust and Montana Rail Link (MRL) inspected the flatcar and railroad hardware in connection with their potential sale to MRL. 4. The Custodial Trust, the State Historic Preservation Officer (SHPO) for Lewis & Clark County and the City of East Helena identified outstanding issues for locating the Prickly Pear Junction house on Custodial Trust property. 5. EH personnel performed site infrastructure maintenance activities, including: repairs to Barnum Building door damaged by high winds; and replacement of the recirculation pump on the hot water boiler. 6. The Custodial Trust researched options for monitoring changes to the crack in the slag pile (observed during the June 2011 50-year flood) and purchased a crack meter to monitor crack movement. 7. EH personnel began making arrangements to clear debris from the spillway and trash rack on smelter dam pursuant to recommendations for maintenance set forth in the Engineer's Dam Inspection Report prepared by Hydrometrics. 8. EH personnel completed maintenance on smelter dam, including: removal of support timbers in the overflow channel and debris in the trash rack, and replacement of the handrail and chain link fence on the smelter dam deck. 	No Data Submittal	No problems encountered.	Ongoing

Activity	Performing Entity	Description	Data Submittal	Problems Encounters	Percent Complete
Plant Operations (cont.)	Custodial Trust	<ul style="list-style-type: none"> 9. EH personnel replaced the circulation pump in the bathhouse hot water heater. 10. A contractor for Northwestern Energy trimmed trees from the power lines on Montana Ave (near the former Asarco housing). 11. EH personnel performed general cleanup including: removal of debris from smelter dam and the UL diversion structure; removal of materials and debris from the smelter dam joist removal project; and cleaning the bathhouse and shop building. 12. EH personnel and Eagle Electric restored power to the City of East Helena water meter house, repaired the Thornock 50 up pump and repaired the Thornock backup generator. 13. EH personnel assisted Smith Contracting with decontamination and removal of crushing equipment. 			
16. Personnel and Office Operations	Custodial Trust	<ul style="list-style-type: none"> 1. The Custodial Trust interviewed SP4C and discussed their proposal to provide project control services to the Custodial Trust. After finalizing contract terms and scope of work with SP4C, the Custodial Trust requested and received EPA approval to retain Wade Diel of SP4C as the EH Project Controls Coordinator. The Custodial Trust executed the contract with SP4C to provide project controls services for the EH project. 2. Custodial Trust personnel participated in the weekly EH staff meeting. 3. EH personnel inspected Pacific Mobile's used modular office facility (in Lewiston, ID), which was proposed for purchase by the Custodial Trust 4. EH personnel inspected options for administrative offices, including utilizing the bathhouse and/or locating modular offices and construction trailers in the parking area in front of the bathhouse. 	The Custodial Trust submitted its business license documentation and fee to the City of East Helena.	No problems encountered.	Ongoing

Activity	Performing Entity	Description	Data Submittal	Problems Encounters	Percent Complete
Personnel and Office Operations (cont.)	Custodial Trust	<p>5. The Custodial Trust received a letter from the City of East Helena Zoning Administrator advising that, in order to site a modular office on the rodeo grounds property, it would be necessary to secure City Council approval for the proposed zoning classification of the rodeo parcel and amendment of the East Helena Growth Policy zoning map. The Custodial Trust and the City of East Helena (Mayor, Attorney and Zoning Administrator) had discussions regarding the zoning and permitting requirements. The Custodial Trust continued researching costs and options (including office layout, site preparation requirements, delivery schedules and access needs) for the Custodial Trust modular offices.</p> <p>6. Outside counsel to the Custodial Trust advised that Alicia Voss had filed a lawsuit against certain Custodial Trust parties alleging wrongful termination and other workplace charges. The Custodial Trust notified EPA and USDOJ, respectively, of the Voss lawsuit and its analysis of the applicable provisions in the Custodial Trust Settlement Agreement. EPA advised of its agreement with the Custodial Trust's interpretation of the Settlement Agreement set forth in an April 19 memorandum related to the lawsuit.</p>			
17. Financial Affairs	Custodial Trust	<p>1. The Custodial Trust and CH2M Hill realigned statements of work and purchase orders to conform the approved East Helena Cleanup Budget for Level 2 Cost Center II.J (Interim Measures/CMS).</p>	No Data Submittal	No problems encountered.	Ongoing

Activity	Performing Entity	Description	Data Submittal	Problems Encounters	Percent Complete
18. Property Use/ Development	Custodial Trust	<ol style="list-style-type: none"> 1. The EH School District followed up on plans for the 2012 East Helena Fun Run (East Helena Quality Education Foundation). The Custodial Trust received insurance certificates from the EH School District for the Fun Run. 2. The Custodial Trust and the Mayor of East Helena finalized plans to present the Opportunities and Constraints (O&C) Plans to the City of East Helena, Lewis & Clark County and the general public on April 24. 3. Elkhorn Appraisal Services (Elkhorn) inspected the two parcels proposed for sale to Chemet. 4. The Custodial Trust provided comments to Elkhorn Appraisal Services (Elkhorn) on their analysis of Chemet's appraisal report for the proposed 2.5-acre abutting parcel. 5. The Custodial Trust and Chemet followed up on a number of issues related to the draft Chemet purchase and sale (P&S) agreement. 6. In response to a request from the Custodial Trust, CTA provided its initial recommendations for size and configuration of the Search & Rescue (SAR) parcel proposed for conveyance to L&C County. The Custodial Trust submitted its final recommendations for configuration and size of the SAR parcel and its proposed response to Lewis & Clark County to the beneficiaries for review and approval. EPA and the State of Montana approved the Custodial Trust's proposed recommendations. The Custodial Trust submitted its written response to Lewis & Clark County's request for conveyance of the SAR parcel, documenting the beneficiary-approved size, configuration and conveyancing plan for the SAR parcel. 7. The Custodial Trust began reviewing current and proposed agricultural leases. 	The Custodial Trust re-submitted its March 4 request for beneficiary review and approval of the revised parcels and conveyancing plans for the property interests to be conveyed to the City of East Helena.	No problems encountered.	Ongoing

Activity	Performing Entity	Description	Data Submittal	Problems Encounters	Percent Complete
Property Use/ Development (cont.)	Custodial Trust	<ol style="list-style-type: none"> 8. CTA, MXD Strategies and the Custodial Trust reviewed potential options for integrating an outdoor amphitheater reuse into the Phase I ET Cover System. EPA, CH2M Hill, CTA and the Custodial Trust reviewed CTA's proposed concept planning and feasibility study for the outdoor amphitheater. 9. The Custodial Trust circulated the draft appraisal for the 20-acre expansion parcel proposed for sale to American Chemet (Chemet) and analysis of 2.5-acre abutting parcel to the beneficiaries for review and comment. 10. EPA, Chemet, Reis Surveyors, Montana Rail Link (MRL) and the Custodial Trust inspected the 2.5-acre parcel to determine the limits of proposed property line relative to the PRB, natural gas substation, toe of the slag pile, realigned rail spur and other constraints on Chemet's proposed property expansion. 11. EPA, USDOJ and the Custodial Trust reviewed the Elkhorn appraisal report for the 20-acre parcel. 12. The Custodial Trust provided Elkhorn with final comments (including beneficiary feedback) on the draft appraisal report for the 20-acre parcel. 13. The Custodial Trust provided Chemet with the final Elkhorn appraisal report for the 20-acre parcel and the appraisal analysis of the 2.5-acre parcel Moore appraisal (Elkhorn Appraisal Documents). 14. The Custodial Trust provided the beneficiaries with copies of the final Elkhorn appraisal report for the 20-acre parcel and the appraisal analysis of the 2.5-acre Moore appraisal. 15. The Superintendent of the EH School District submitted a written offer to the Custodial Trust proposing to purchase 75 acres of the Dartman Field for \$2,000/acre. 16. The Custodial Trust distributed the final O&C Plans to the beneficiaries along with specific responses to comments from EPA, MDOJ and USFWS. 		No Problems Encountered	Ongoing

Activity	Performing Entity	Description	Data Submittal	Problems Encounters	Percent Complete
Property Use/ Development (cont.)	Custodial Trust	<p>17. The Custodial Trust responded to inquiries from prospective slag reprocessors (Green Earth Metals, Inc. and Colorado General Contractors) and provided slag data to CH2M Hill in response to an inquiry from Arakis. Teck (Trail, BC) advised that it was reviewing the Custodial Trust's requests regarding a long-term agreement for the sale of unfumed slag. MRL and the Custodial Trust reviewed plans and issues for upgrading siding required for long-term sale of unfumed slag. EH personnel began compiling all existing fumed and unfumed slag data and uploaded the database to the Custodial Trust's ftp site.</p> <p>18. Metallica and Teck submitted final slag weights for the nine-railcar shipment of unfumed slag.</p> <p>19. The Custodial Trust resolved major outstanding land use issues with the East Helena Rodeo Association. The East Helena Rodeo Association provided the Custodial Trust with insurance certificates and the executed land use for the 2012 Rodeo activities.</p> <p>20. EPA and the State of Montana approved the Custodial Trust's request for approval to convey the revised parcels to the City of East Helena.</p> <p>21. The Custodial Trust submitted its written response to the City of East Helena's request for conveyance of property interests, documenting the beneficiary-approved terms for the property transfers.</p> <p>22. Chemet and the Custodial Trust met to review Chemet property and office expansion requirements.</p> <p>23. The Custodial Trust met with Montana Rail Link to discuss the status and plans for upgrading the spur lines required to support a long-term sale of unfumed slag to Metallica for re-processing at the Teck facility in Trail, BC.</p> <p>24. The Custodial Trust discussed next steps for conveyance of the agreed upon property interests to the City of East Helena and Lewis & Clark County.</p>			

Activity	Performing Entity	Description	Data Submittal	Problems Encounters	Percent Complete
19. Community and Local Meetings	Custodial Trust	<ol style="list-style-type: none"> 1. The Custodial Trust attended the regular meeting of the East Helena City Council. 2. EPA, CH2M Hill and the Custodial Trust presented an overview of RCRA, EH community relations plans and 2012-2013 Interim Measures (IMs) at the EHECTIC meeting. 3. CTA and the Custodial Trust presented the Opportunities & Constraints Plans to officials from the City of East Helena, Lewis & Clark County and the general public at East Helena City Hall and at the EHECTIC meeting. 	No Data Submittal	No Problems Encountered	Ongoing

SECTION 2. ACTIVITIES SCHEDULED FOR MAY 2012

Task	Performing Entity	Description
Field Sampling and Analysis Plan (FSAP)	Hydrometrics	Hydrometrics to continue implementation of FSAP in May 2012 which includes groundwater and surface water sampling.
Baseline Ecological Risk Assessment (BERA) and Human Health Risk Assessment (HHRA)	CH2M Hill, Exponent, Gradient	No activities planned for May 2012.
Corrective Measures Study	Hydrometrics, Pioneer Technical Services, CH2M-Hill, Morrison-Maierle, Inc., Applied Geomorphology Inc.	<ul style="list-style-type: none"> Continuation of Upper Lake Drawdown test. Preparation of an Emergency Action Plan for Smelter Dam Beneficiary comments on the draft 2012 IM Work Plan.
Property Use/Development	East Helena	<ul style="list-style-type: none"> Meeting with Gary Burnham, Hydrometrics and the Custodial Trust to review alternatives to Wilson Ditch for supplying irrigation water to the Burnham Ranch on May 1st.
CAMU Inspections	TS Consulting/Custodial Trust	Routine inspections of CAMU #1 (monthly) and CAMU #2 (weekly) will continue in May 2012.
Water Treatment Plant	Custodial Trust	No plans to operate water treatment plant in May 2012.
Beneficiaries Meeting	EPA/MDEQ/MDOJ/Custodial Trust	Monthly beneficiaries meeting.
EHECTIC Meeting	Custodial Trust/EPA	Meeting scheduled on May 20 th .

Section 3. Describe and estimate the percentage of studies completed.

No projects or studies were completed in April 2012. A complete listing of projects completed in 2012 will be reported in the January 2013 Progress Report.

Section 4. Describe Actions being taken to address problems.

There were no actions required to address problems associated with the Decree.

Section 5. Identify changes in key personnel during the period.

Wade Diel has been retained as EH Project Controls Coordinator.

Section 6. Describe the status of financial assurance mechanisms, including whether any changes have occurred, or are expected to occur which might affect them, and the status of efforts to bring such mechanisms back into compliance with the requirements of this Decree.

The Custodial Trust received funds for Environmental Actions earmarked for site clean-up in connection with the ASARCO bankruptcy settlement. The Custodial Trust deposited the funds in a segregated East Helena Clean-up account and is investing and managing the funds in accordance with the provisions of the Settlement Agreement. Issues related to the CAMU trust are stilling being resolved between the beneficiaries and ASARCO.

Please do not hesitate to contact me if you have any questions.

Montana Environmental Trust Group, LLC,
Trustee of the Montana Environmental Custodial Trust
By: Greenfield Environmental Trust Group, Inc., Member

Marc Weinreich
Vice-President

cc: Denise Kirkpatrick - MDEQ
Randy Breeden - EPA 8
Chuck Figur - EPA 8

CERTIFICATION
PURSUANT TO U.S. v ASARCO INCORPORATED
(CV-98-3-H-CCL, USDC, D. Montana)

"I certify under penalty of law that this document and all attachments, were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

Montana Environmental Trust Group, LLC,
Trustee of the Montana Environmental Custodial Trust
By: Greenfield Environmental Trust Group, Inc., Member

Marc Weinreich
Vice-President